IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

-

WRIT PETITION NO : 20650 of 1994

Between:

P.T.S.R.Sarma S/o.Ramakrishnayya
Food Corporation of India Regional Office, Hyderabad
R/o.Hyderabad

..... PETITIONER

AND

1 The Food Corporation of India rep.by its Managing Director
FCI Head Quarters , 16-20 Barakhamba Lane,
New Delhi - 110 001 R1 dismissed for default
2 The Zonal Manager Food Corporation of India
No.2, Haddows Road Madras 6
R2 dismissed for default
3 The Senior Regional Manager Food Corporation of India
Regional Office, HACA Bhavan Opp:Public Gardens
Nampally, Hyderabad

(The W.P. against RR1 and 2 is dismissed for

default vide Court Order dated 13-12-1999).

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or a direction, more particularly one in the nature of a writ of mandamus, a) directing the respondents 1 and 2 herein to consider and grant promotion in favour of the writ petitioner as Deputy Manager (Accounts) on and from 28/09/1992 the date on which M/s L.Pandurangam and Sri S.M.M.G.Krishna Rao

were so promoted with all consequential benefits such as seniority, pay fixation, arrears of payment of salary and allowances, etc., duly extending the benefits in favour of the writ petitioner also as was done in the case of Sri M.Sambandam and Sri P.S.Purushotham Pillai b) further direct the respondents herein to complete this exercise within a period of 2 months, c) and also further direct that the pay fixation and restoration of the petitioner's seniority be effected, duly taking into account the date of his promotion as Assistant Manager (Accounts/ General) as 25/06/1976 and to pass such other order.

Counsel for the Petitioner:MR.NOOTY RAM MOHAN RAO

Counsel for the Respondents : None appeared

The Court made the following :

O R D E R:

This Writ Petition is filed seeking Writ of Mandamus directing the respondents 1 and 2 to consider and grant promotion in favour of the writ petitioner as Deputy Manager (Accounts) on and from 28-09-1982, the date on which M/s.L.Pandurangam and S.M.M.G.Krishna Rao were so promoted with all consequential benefits such as

seniority, pay fixation, arrears of payment of salary etc. and further direction to respondent to complete the exercise within a period of two months.

2. It is the case of the petitioner that while he was working in the Food Corporation of India as Assistant Grade-I, he became eligible for promotion to the post of Assistant Manager and in fact the panels were already prepared by Zonal Office and he was also promoted. While so, a Writ Petition was filed in the Madras High Court challenging the promotion panel. The learned Single Judge set aside the panel prepared by the Food Corporation of India, consequentially the petitioner was reverted to original post. However, the Corporation filed Writ Appeal and the Order of the learned Single Judge was set aside. Thereafter, petitioner was again promoted. Even the S.L.P. (Civil) No.12202 of 1983 filed by the Management was also dismissed.

3. The grievance of the petitioner is, but for setting aside the order of the panel by Madras High Court would have been promoted right from 1976 as Assistant Manager and also Deputy Manager in 1992-1996.

4. The learned counsel further submit that the petitioner has been given a notional fixation of promotion and also the seniority and other benefits but the arrears arising out of the promotion were not given and, therefore, when once the reversion was set aside the panel was confirmed, he is entitled for the difference of salary between the Assistant Grade-I and Assistant Manager and also from 27-08-1992 to 29-12-1996 as a Deputy Manager.

5. None appeared for the Food Corporation of India. However, on the basis of the

arguments advanced by the learned counsel for the petitioner, I am not in a position to accept the same asmuchas the petitioner did not work actually in the promoted post. Further there was no stay granted by the learned Single Judge of the Madras High Court and consequently he was reverted. Inasmuch as the petitioner was granted benefits notionally and he was also retired from service, I do not find any illegality in refusing to grant the fiscal monetary benefits for the interregnum periods namely from 17-09-1976 to 14-12-1978 as Assistant Manager and 27-08-1992 to 29-12-1996 as a Deputy Manager. Thus, I do not find any merits in this Writ Petition.

6. The Writ Petition is accordingly dismissed. No costs.

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G.BIKSHAPATHY, J

Date : 30-09-2004

Prv/bsb

To

1 The Managing Director, Food Corporation of India,
FCI Head Quarters, 16-20 Barakhamba Lane,
New Delhi - 110 001.

2 The Zonal Manager Food Corporation of India
No.2, Haddows Road, Madras 6.

3 The Senior Regional Manager Food Corporation of India
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